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cause of an inviolable presumption that a court is powerless to assert a fiction. But the conclusion in the principal case is in full accord with the generally prevailing view."

Who Is a Farmer?—The main issue in *Robertson v. Dwyer*, 184 Federal Reporter, 880, is whether or not appellee is a farmer. Appellants filed a petition to have him adjudged a bankrupt, and he pleaded his exemption from the bankruptcy act because he was a farmer. The facts respecting his occupation are, namely: He was born and raised on a farm. He had acquired considerable farm land, having one farm of 160 acres in Illinois on which he dwelt. Here he raised corn and oats on 46 acres and grass for feeding purposes on the balance. His stock consumed a great deal more of grain than he was able to raise for them, so he was required to buy about 8,400 bushels a year. A very high proportion of cattle were purchased and raised on the farm. When his stock became fattened he would sell them to growers or ship them to Chicago. The question is: Was he engaged in the business of dealing in stock or in farming? If the former, he was within the bankruptcy act; if the latter, he was exempt. The Circuit Court of Appeals holds that "instead of being a 'dealer' appellee was something like a manufacturer who takes raw materials ('feeders') and converts them into finished product ('fat beef cattle')," and concludes that conducting a "stock farm," as well as conducting a "grain farm," is farming, so appellee was exempt.

MISCELLANY.

Mr. Justice Harlan's Dissenting Opinion in the American Tobacco Company Cases.—I concur with many things said in the opinion just delivered for the court, but it contains some observations from which I am compelled to withhold my assent.

I agree most thoroughly with the court in holding that the principal defendant, the American Tobacco Company and its accessory and subsidiary corporations and companies, including the defendant English corporations, constitute a combination which, "in and of itself, as well as each and all of the elements composing it, whether corporate or individual, whether considered collectively or separately," is illegal under the Anti-trust Act of 1890, and should be decreed to be in restraint of interstate trade and an attempt to monopolize and a monopolization of part of such trade.

The evidence in the record is, I think, abundant to enable the court to render a decree containing all necessary details for the